IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.573 OF 2005

Ramesh Rane & Ors. ..Petitioners.

Vs.

Steelage Industries Ltd. & Ors. ..Respondents.

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Mr.C.U.Singh i/b M/s.Sanjay Udeshi & Co. for the Petitioners.

Mr.P.K.Rele with Mr.Piyush Shah for the Respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

7th March, 2005.

P.C. :

The complaint which was instituted before the Industrial Court was under Items 5, 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. This is evident from the title of the complaint and the reliefs which have been prayed for therein. The order of the Industrial Court

proceeds through inadvertence on the basis that the complaint was under item 6 of Schedule IV and on that basis the Industrial Court was of the view that the complaint was not maintainable by virtue of the provisions of Section 21 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

Without going into the merits of the other issues which arise in the complaint, I had suggested to the learned counsel that it would be appropriate if the matter is remanded back to the Industrial Court for fresh consideration of the complaint under items 5, 9 and 10 of Schedule IV. Both the learned counsel have agreed that having regard to the aforesaid factual situation, without the Court expressing any opinion on the merits of the complaint under items 5 and 9 of Schedule IV (since item 10 was not pressed at the hearing of the complaint), the matter may be remanded back to the Industrial Court. Accordingly, the impugned order dated 19th July, 2003 in Complaint (ULP) 437 of 2000 is quashed and set aside. The complaint is restored to the file of the Industrial Court for fresh decision after hearing the submissions of the

parties on the basis of the material on the record of the Industrial Court as it stands.

The parties shall appear before the Industrial Court for directions on 21st March, 2005. The Industrial Court is requested to endeavour an early disposal of the complaint preferably on or before 30th June, 2005.

The Petition is disposed of in the aforesaid terms. There shall be no order as to costs.